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23 Attorneys for Plaintiff  
24 UNITED STATES OF AMERICA

25 UNITED STATES DISTRICT COURT

26 FOR THE CENTRAL DISTRICT OF CALIFORNIA

27 UNITED STATES OF AMERICA,

28 SA CR No. 19-061-JVS

Plaintiff,

ORDER CONTINUING TRIAL DATE AND  
FINDINGS REGARDING EXCLUDABLE TIME  
PERIODS PURSUANT TO SPEEDY TRIAL  
ACT

v.

**NEW TRIAL DATE:**

August 27, 2019, at 8:30 a.m.

**PRETRIAL CONFERENCE:**

August 12, 2019, at 9:00 a.m.

**STATUS CONFERENCE:**

July 8, 2019, at 8:30 a.m.

MICHALE JOHN AVENATTI,

Defendant.

25 The Court has read and considered the Stipulation Regarding  
26 Request for (1) Continuance of Trial Date and (2) Findings of  
27 Excludable Time Periods Pursuant to Speedy Trial Act, filed by the  
28 parties in this matter on May 16, 2019. The Court hereby finds that

1 the Stipulation, which this Court incorporates by reference into this  
2 Order, demonstrates facts that support a continuance of the trial  
3 date in this matter, and provides good cause for a finding of  
4 excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

5 The Court further finds that: (i) the ends of justice served by  
6 the continuance outweigh the best interest of the public and  
7 defendant in a speedy trial; (ii) failure to grant the continuance  
8 would be likely to make a continuation of the proceeding impossible,  
9 or result in a miscarriage of justice; and (iii) failure to grant the  
10 continuance would unreasonably deny defendant continuity of counsel  
11 and would deny defense counsel the reasonable time necessary for  
12 effective preparation, taking into account the exercise of due  
13 diligence.

14 THEREFORE, FOR GOOD CAUSE SHOWN:

15 1. The trial in this matter is continued from June 4, 2019, to  
16 August 27, 2019, at 8:30 a.m. The pretrial status conference hearing  
17 is continued from May 20, 2019, to August 12, 2019, at 9:00 a.m.

18 2. A status conference is set for July 8, 2019, at 8:30 a.m.

19 3. The time period of June 4, 2019, to August 27, 2019,  
20 inclusive, is excluded in computing the time within which the trial  
21 must commence, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i),  
22 and (B)(iv).

23 4. Defendant shall appear in Courtroom 10C of the Ronald  
24 Reagan Federal Building and U.S. Courthouse, 411 West Fourth Street,  
25 Santa Ana, California on August 27, 2019, at 8:30 a.m.

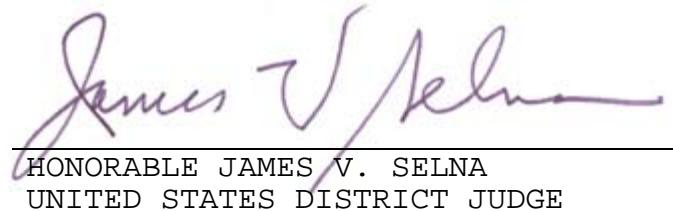
26 5. Nothing in this Order shall preclude a finding that other  
27 provisions of the Speedy Trial Act dictate that additional time  
28 periods are excluded from the period within which trial must

1 commence. Moreover, the same provisions and/or other provisions of  
2 the Speedy Trial Act may in the future authorize the exclusion of  
3 additional time periods from the period within which trial must  
4 commence.

5 IT IS SO ORDERED.

6 May 17, 2019

7 DATE



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HONORABLE JAMES V. SELNA  
UNITED STATES DISTRICT JUDGE

11 Presented by:

12 /s/ Julian L. André

13 JULIAN L. ANDRÉ  
BRETT A. SAGEL  
14 Assistant United States Attorneys

1 **APPENDIX OF COMMONLY-USED SPEEDY TRIAL ACT OPTIONS NOT ALREADY**

2 **INCLUDED IN THE FORM**

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4 18 U.S.C. § 3161(h)(1)(A): Any period of delay resulting from any  
5 proceeding, including any examinations, to determine the mental  
6 competency or physical capacity of the defendant;

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8 18 U.S.C. § 3161(h)(1)(B): Any period of delay resulting from trial  
9 with respect to other charges against the defendant;

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11 18 U.S.C. § 3161(h)(1)(C): Any period of delay resulting from any  
12 interlocutory appeal;

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14 18 U.S.C. § 3161(h)(1)(E): Any period of delay resulting from any  
15 proceeding relating to the transfer of a case or the removal of any  
16 defendant from another district under the Federal Rules of Criminal  
17 Procedure;

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19 18 U.S.C. § 3161(h)(1)(F): Any period of delay resulting from  
20 transportation of any defendant from another district, or to and from  
21 places of examination or hospitalization, except that any time  
22 consumed in excess of ten days from the date an order of removal or  
23 an order directing such transportation, and the defendant's arrival  
24 at the destination shall be presumed to be unreasonable;

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26 18 U.S.C. § 3161(h)(2): Any period of delay during which prosecution  
27 is deferred by the attorney for the Government pursuant to written  
28 agreement with the defendant, with the approval of the court, for the

1 purpose of allowing the defendant to demonstrate his good conduct.

2 [BROOKLYN PLAN/ DIVERSION]

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4 18 U.S.C. § 3161(h)(3)(A): Any period of delay resulting from the  
5 absence or unavailability of the defendant or an essential witness.

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7 18 U.S.C. § 3161(h)(4): Any period of delay resulting from the fact  
8 that the defendant is mentally incompetent or physically unable to  
9 stand trial.

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11 18 U.S.C. § 3161(h)(8): Any period of delay, not to exceed one year,  
12 ordered by a district court upon an application of a party and a  
13 finding by a preponderance of the evidence that an official request,  
14 as defined in section 3292 of Title 18, has been made for evidence of  
15 any such offense and that it reasonably appears, or reasonably  
16 appeared at the time the request was made, that such evidence is, or  
17 was, in such foreign country.

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